

1 HONORABLE JAMAL N. WHITEHEAD  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 AT&T MOBILITY LLC,

10 Plaintiff,

11 v.

12 MARC SAPATIN, SAPATIN NGUYEN  
13 ENTERPRISES, INC., SAPATIN  
14 ENTERPRISES, INC., NGUYEN LAM,  
15 KYRA EVANS, PRASHANT VIRA,  
SWIFT UNLOCKS, INC. and JOHN DOES  
1-50, United States individuals and entities,

16 Defendants.

17 No. 2:15-cv-01462-JNW

**CONSENT MOTION TO EXTEND  
STAY**

NOTING DATE: DECEMBER 27, 2024

17 Plaintiff AT&T Mobility LLC (“AT&T”) and Defendants Prashant Vira and Swift  
18  
19 Unlocks, Inc. (collectively, “Defendants”) file this Plaintiff’s Report to the Court and Consent  
20 Motion to Extend Stay as follows.

21 The Court’s order dated May 31, 2024 (Dkt. 79) directed AT&T to report to the Court  
22 by no later than December 31, 2024 on the status of all federal criminal investigations into the  
23 Defendants and whether there are grounds that would warrant allowing the case to remain open.  
24 (See Dkt. 79).

25 AT&T understands that the criminal investigation of Defendant Vira remains ongoing  
26

1 but that charges have not yet been filed. Counsel for the remaining parties have conferred and  
 2 respectfully submit that in light of the continued pendency of a criminal investigation of  
 3 Defendant Vira, which implicates the ability of the Defendants to defend themselves in this  
 4 civil case, the current stay of the case should be extended on the terms below.

5 **JOINT REQUEST FOR STAY**

6 The parties respectfully submit that in consideration of the continuing pendency of  
 7 criminal proceedings that directly relate to the subject matter of AT&T's civil lawsuit, the Court  
 8 should grant an additional extension of the stay of the case, subject to the same conditions as  
 9 the current stay:

10 a. AT&T may only seek relief from the stay or case closure as to a currently named  
 11 Defendant if restitution is not adjudicated in the related criminal proceedings referenced above.  
 12 AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the  
 13 Complaint to name additional defendants, however, shall not be restricted by the Court's order  
 14 reopening the case.

15 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant  
 16 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request  
 17 restitution against that Defendant.

18 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)  
 19 days after AT&T is notified that a guilty plea has been entered that affords AT&T the  
 20 opportunity to request restitution against that particular Defendant and a sentence against that  
 21 particular Defendant has been entered.

1           d.     If a related criminal proceeding has not yet resulted in the adjudication of  
 2 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the  
 3 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval  
 4 by the Court, under the same terms as set forth herein.

5           e.     AT&T shall not pursue claims against a remaining currently named Defendant  
 6 unless AT&T is denied the opportunity to request restitution in that Defendant's criminal case.

7           f.     AT&T's dissatisfaction with the amount of restitution awarded against a  
 8 particular Defendant, or a criminal court's decision not to award any restitution to AT&T as  
 9 part of a sentence against that Defendant, shall not provide AT&T with a basis to pursue claims  
 10 against that Defendant.

11           g.     AT&T will report to the Court by no later than June 30, 2025 regarding the  
 12 current status of all federal criminal investigations into the Defendants and whether there are  
 13 grounds that would warrant allowing the case to remain open.

14           The parties respectfully request that the Court enter the order endorsed on this  
 15 stipulation below pursuant to LCR 10(g).

16           Respectfully submitted, this 27<sup>th</sup> day of December, 2024.

17           \_\_\_\_\_  
 18           /s/ *David A. Bateman*  
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 26           David L. Balser, Georgia Bar No. 035835

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 2           /s/ *Claire Martirosian*  
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10      *Counsel for Defendants Vira Prashant and*  
11      *Swift Unlocks, Inc.*

12      *Counsel for Plaintiff*  
13      *AT&T Mobility LLC*

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CONSENT MOTION TO EXTEND STAY- 4  
Case No. 2:15-cv-01462-JNW

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1  
2 IT IS SO ORDERED this 30th day of December, 2024.  
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5 Jamal N. Whitehead  
6 United States District Judge  
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Presented by:

10 /s/ David A. Bateman

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